THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3422 of 2006

DATED:24-03-2006

Between:

A. Samba Murthy ..Petitioner

And

The state of A.P. represented by the Chief Commissioner of Land Adminstration, at Hyderabad. and others ..Respondents.

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ORDER:

The petitioner claims to be the owner of plot No.22, in survey No.237/1. He alleges that Telangana Agricultural Officers Staff
Co-operative Housing Society Limited (hereinafter called 'the Society'), purchased an extent of 2600 square yards in survey Nos.237/1, 2 and 3 of Madannapet Village, and sold as house sites after getting a layout sanction. The petitioner, being a member, purchased a plot in the said layout. In April 2004, when he wanted to construct a house and trying to obtain permission from the Municipality, he came to know that the respondents took possession of the land on the ground that the petitioner encroached the Government land. He made representations to the respondents to release the property, in vain. Therefore, he filed the present writ petition praying for a writ of Mandamus directing the respondents 1 to 5 to redeliver possession of the open plot admeasuring 89 square yards to the petitioner.

Even according to the petitioner, the respondents took possession of the land on the premise that it is the Government land prior to
April 2004. If the petitioner claims to be the owner by reason of a sale deed, dated 20-08-1993, executed by the Society and if the petitioner is dispossessed by the respondents, his remedy lies in filing a suit for recovery of possession. The dispute

is in the realm of private law though respondents 1 to 5 are public authorities. Therefore, the writ petition is not maintainable. It shall, however, be open to the petitioner to file a suit for recovery of possession, subject to law of limitation.

The writ petition, with the observation, is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

24.03.2006

GJ